REMARKS

A Request for Continued Examination (RCE) under 37 CFR § 1.114 is hereby made.

Examiner's permission is respectfully requested to amend drawing Figs. 2 and 6 as indicated by the marked up drawing sheet. Support for the amendment of the drawings can be found in paragraphs **[0018]** and **[0018]** of the specification.

By this amendment, the specification has been amended to correct informalities therein. A marked up version of the amended paragraph in the specification is presented in APPENDIX A attached to this Response to Office Action

Claims 1-15 have been amended, and claim 25 has been added to the subject application. Claims 1-25 are currently pending in the subject application. A marked up version of the amended claims is presented in Appendix B attached to this Response to Office Action.

It is respectfully point out that in the Response and Amendment filed on September 6, 2002, applicant inadvertently included two claims with claim number 20. By this amendment, the second claim with the claim number 20 is hereby deleted.

Restriction Requirement

A claim restriction requirement is imposed in the Office Action. By this amendment, claims 1-19 and 20-24 have been amended. Reconsideration in view of this amendment is respectfully requested.

Rejection of Claims 2, 12, and 15-19 under 35 U.S.C. § 112

Claims 2, 12, and 15-19 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as invention.

By this amendment, claims 2, 12, and 15 have been amended. The amendment to claims 2, 12, and 15 have placed claims 2, 12, and 15-19 in compliance with 35 U.S.C. § 112, second paragraph, thereby overcoming the rejection thereof under 35 U.S.C. § 112.

Rejection of Claims 1-4, 6, 10, 11, 13, and 14 under 35 U.S.C. § 102

Claims 1-4, 6, 10, 11, 13, and 14 are rejected under 35 U.S.C. § 102(b) as being anticipated by Dunlop et al. (U.S. Patent No. 5,641,262, hereinafter referred to as "Dunlop"). This rejection is respectfully traversed.

The applicant has now clarified the claims by specifying that the term "cantilever" refers to support at one end only. Dunlop is not an anticipatory reference of the "cantilever" liftgate claimed by applicants. Dunlop, for example, discloses in column 4, lines 57-62, that when opened, the lift gate 87 is maintained in a horizontal position by means of two lift cables 89A, 89B which are each affixed at one end to the top of the vertical mounts 85A, 85B and at the other ends to the outer edge of the lift gate 87. Further, for example, Dunlop does not disclose a pre-assembled, freestanding liftgate assembly. At least combinations of

these and the other elements specified in claim1 are not taught or suggested by Dunlop. Reconsideration of the claims is respectfully requested.

Claims 2-4 and 6 depend from claim 1 and are allowable over Dunlop for at least the same reasons as claim 1. Claim 2 further sets out that the side plates are adapted to secure the liftgate to an underside of a vehicle body. Claim 3 further specifies that the liftgate assembly is bolted to the underside of a vehicle body. At least combinations of these and the other elements specified in claims 2 and 3 are not taught or suggested by Dunlop, further precluding the anticipation of claims 2 and 3.

With respect to claim 10, as discussed above, Dunlop is not an anticipatory reference of the "cantilever" liftgate claimed by applicants. Claim 10 calls for, among other things, a platform supported at one end only. At least a combination of this element and the other elements specified in claim 10 is not taught or suggested by Dunlop. Therefore, claim 10 is allowable over Dunlop.

Claims 11, 13, and 14 depend from claim 10 and are allowable over Dunlop for at least the same reasons as claim 10. Claim 11 further sets out that the liftgate is secured to the vehicle body by bolts. Claim 13 further specifies that the unitary frame is mounted substantially below the floor of the truck bed. Claims 14 specifies additional elements. At least the combinations of these and the other elements specified in claims 11, 13 and 14 are not taught or suggested by Dunlop, further precluding the anticipation of claims 11, 13 and 14.

Rejection of Claims 1-3 and 10 under 35 U.S.C. § 102

Claims 1-3 and 10 are rejected under 35 U.S.C. § 102(b) as being anticipated by Nilson (U.S. Patent No. 2,732,960, hereinafter referred to as "Nilson"). This rejection is respectfully traversed.

Nilson is not an anticipatory reference. Like Dunlop, Nilson is not supported at one end only, and claims 1-3 and 10 are allowable over Nilson for the reasons set forth above. Reconsideration is respectfully requested.

Rejection of Claims 5, 7-9, and 12 under 35 U.S.C. § 103

Claims 5, 7-9, and 12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Dunlop. This rejection is respectfully traversed.

As respectfully pointed out above, claims 1 and 10 are patentable over Dunlop. Reconsideration is respectfully requested. Claims 5 and 7-9 depend from claim 1 and are therefore patentable over Dunlop for at least the same reasons as claim 1. Likewise, claim 12 depends from claim 10 and is therefore patentable over Dunlop for at least the same reasons as claim 10. Claim 12 further sets out that the vehicle body assembly is detached from the chassis. At least a combination of this element and the other elements specified in claim 12 is not taught or suggested by Dunlop, further precluding the obviousness of claim 12.

Rejection of Claims 15-19 under 35 U.S.C. § 103

Claims 15-19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Mortenson (U.S. Patent No. 4,078,676, hereinafter referred to as (Mortenson) in view of Dunlop. This rejection is respectfully traversed.

Mortenson discloses in column 3, lines 13-17, that frame 10 includes a pair of relatively heavy transversely spaced vertical webs 14 which are fixedly secured at their upper ends to the truck frame to suspend and fixedly support a horizontal transversely extending torque tube 16. Mortenson also discloses in column 3, lines 41-51, that a generally triangular mounting bracket 30 is formed on or fixedly secured to platform 28 at each of the opposite ends of its forward edge 32. Bracket 20 projects upwardly from the upper surface of platform 28 and is formed with a link receiving slot 34 into which one end of a tension link assembly 36 projects and is pivotally connected by pivot 38. Tension link assembly 36 is pivotally coupled to fixed link 18 by a pivot pin 40 and constitutes a third link of a parallelogram linkage, while that portion of bracket 30 between pivots 38 and 26 constitutes the fourth link of the "four bar" linkage.

Dunlop discloses in column 3, lines 6-10, that attached to the upper portions of vertical brackets 3A, 3B are mounting brackets 7A, 7B which allow the entire mainframe 1 to be attached by conventional means to the rear of a vehicle as shown in FIGS. 5A, 5B, and 5C onto which the lift gate is to be attached. Dunlop also discloses in column 4, lines 57-62, that when opened, the lift gate 87 is maintained in a horizontal position by means of two lift cables 89A, 89B which

are each affixed at one end to the top of the vertical mounts 85A, 85B and at the other ends to the outer edge of the lift gate 87.

Claim 15 calls for, among other things, the side plates being secured to an underside structure of a vehicle bed; and a stop mounted on each parallelogram linkage adjacent the distal pivot member configured to prevent rotation of the liftgate platform away from the upper and lower arms past a generally horizontal orientation parallel with the bed of the vehicle body and configured to allow rotation of the liftgate platform toward the upper and lower arms to a generally vertical position perpendicular with the vehicle body when in a lowered position. At least a combination of these elements and the other elements specified in claim 15 is neither taught nor suggested by Mortenson and Dunlop, either singly or in combination. Therefore, claim 15 is allowable over Mortenson in view of Dunlop.

Claims 16-19 depend from claim 15 and are therefore allowable over Mortenson in view of Dunlop for at least the same reasons as claim 15. Claim 16 further sets out that the side plates are secured to at least one sub-structure cross member of the vehicle bed. At least a combination of this element and the other elements specified in claim 16 is neither taught nor suggested by Mortenson and Dunlop, either singly or in combination, further precluding the obviousness of claim 16.

Claims 20-25

Claims 20-25 are method claims. It is believed that the combinations of the elements specified in claims 20-25 are

not taught or suggested by the relied on references, either singly or in combination. Therefore, claims 20-25 are believed to be allowable over the relied on references.

CONCLUSION

In view of above, claims 1-25 currently pending in the subject application are believed to be allowable and the subject application is in condition for allowance. Such action is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees to Manatt, Phelps & Phillips' Deposit Account No. **13-1241** or to credit any overpayment to the same for all matters during the prosecution of the subject application.

Respectfully submitted,

MANATT, PHELPS & PHILLIPS
Attorneys for Applicants

By: Ziye J. Zhou
Registration Number 41,423

Date: April 7, 2003

Manatt, Phelps, & Phillips
1001 Page Mill Road, Building 2
Palo Alto, CA 94304
Tel: 650-812-1300

APPENDIX A

MARKED UP VERSION OF AMENDED PARAGRAPHS IN THE SPECIFICATION

Paragraph **[0017]**:

[0017] FIGS. 1-7 show the cantilever liftgate system 10 of the invention. The system comprises a framework 12 having side plates 14, a trunnion tube 16 extending between side plates 14 and an extension plate 18, also extending between side plates 14. The structural members of liftgate 10 are preferably formed from steel, but other metals or composite materials can be suitable depending upon the intended application. The liftgate also comprises a lift frame 20 with a lift frame tube 22 extending between an opposing pair of parallelogram linkages 24 each having upper arms 26 and lower arms 28 with and proximal pivot members 30 and distal pivot members 32. Proximal pivot members 30 are attached to trunnion tube 16 thus securing lift frame 20 to framework 12. Preferably, trunnion tube 16 comprises integral mounts 34 for attaching proximal pivot members 30. Trunnion tube 16 also comprises cylinder tower 36. Hydraulic cylinder 38 is pivotally attached at either end to tower 36 and lift frame tube 22 to drive lift frame 20. Distal pivot members 32 are secured to liftgate platform 40 so that, together with proximal pivot members 30, upper and lower arms 26 and 28 form parallelogram linkages 24. The linkages 24 are configured to maintain the orientation of distal pivot members 32 to proximal pivot members 30 as upper arms 26 and lower arms 28 are raised and lowered. Retraction of hydraulic cylinder 38 drives lift frame tube 22, rotating upper arms 26 and lower

arms 28 about proximal pivot members 30 to lower liftgate platform 40. Conversely, extension of hydraulic cylinder 38 raises liftgate platform 40.

APPENDIX B

MARKED UP VERSION OF AMENDED CLAIMS

1. (Twice Amended) A pre-assembled, freestanding [cantilever] liftgate assembly, comprising:
a unitary frame, the unitary frame comprising an opposing pair of side plates and an extension plate extending between the side plates;
a hydraulically driven lift frame pivotally attached to the side plates; and
a liftgate platform rotatably attached to the lift [frame; and] frame and supported at one end only.
[and means for securing the unitary frame to a vehicle body.]

2. (Twice Amended) The liftgate assembly of claim 1, wherein the opposing pair of side plates are adapted to secure the freestanding liftgate assembly to an underside of [is fully assembled and detached from] a vehicle [for shipping or testing] body.

3. (Twice Amended) The liftgate assembly of claim [1] 2, wherein the opposing pair [unitary frame comprises a plurality] of side plates are bolted to [bolts for bolting] the [unitary frame to] underside of [unitary frame to] the vehicle body.

4. (Once Amended) The liftgate assembly of claim 1, wherein the side plates in the unitary frame further comprise formed steps.

5. (Once Amended) The liftgate assembly of claim 1, [wherein the side plates] further [comprise a formed bracket for mounting] comprising a hydraulic pump mounted on the unitary frame and coupled to the lift frame.

6. (Once Amended) The liftgate assembly of claim 1, [wherein the side plates] further [comprise formed dock] comprising impact bumpers attached to the unitary frame.

7. (Once Amended) The liftgate assembly of claim 1, [wherein the side plates] further [comprise formed] comprising brackets attached to the side plates in the unitary frame for mounting vehicle lights.

8. (Once Amended) The liftgate assembly of claim 1, wherein the lift frame [comprises] further includes a lift frame tube configured to function as an underride guard.

9. (Twice Amended) The liftgate assembly of claim 1, wherein the liftgate includes at least one upper stacking member and at least one lower stacking member, and wherein [the] a profile of the lower stacking member is configured to nest with [the] a profile of the upper stacking member.

10. (Twice Amended) A vehicle body assembly comprising a vehicle body and a [cantilever] liftgate secured to [the] a vehicle body, the [cantilever] liftgate comprising:
a unitary frame, the unitary frame comprising an opposing pair of side plates and an extension plate extending between the side plates;
an actuator driven lift frame pivotally attached to the side plates; and
a liftgate platform rotatably attached to the lift frame and supported at one end only.

11. (Twice Amended) The vehicle body assembly of claim 10, wherein the liftgate is secured to the vehicle body by bolts.

12. (Twice Amended) The vehicle body assembly of claim 10, wherein the vehicle body assembly is detached from [the] a vehicle chassis.

13. (Twice Amended) The vehicle body assembly of claim 10, wherein the vehicle body comprises a truck bed and the unitary frame is mounted substantially below [the] a floor of the truck bed.

14. The vehicle body assembly of claim 13, wherein the extension plate is mounted in [the] a plane formed by the truck bed to provide a bridge from the truck bed to the platform when the platform is horizontally extended in the plane of the truck bed.

15. (Twice Amended) A [cantilever] liftgate, comprising:

(a) a unitary frame having an opposing pair of side plates, a trunnion tube extending between the side plates and an extension plate extending between the side plates, wherein the side plates are adapted to secure [secured] to the structure to an underside of a [of the] vehicle body;

(b) a lift frame having an opposing pair of parallelogram linkages each having upper arms and lower arms and proximal pivot members and distal pivot members and a lift frame tube extending between the lower arms, wherein the proximal pivot members are secured to the trunnion tube;

(c) a liftgate platform rotatably attached to the distal pivot [members, having] members and supported at one end only;

(d) a stop mounted on each parallelogram linkage adjacent the distal pivot member and configured to prevent rotation of the liftgate platform away from the upper and lower arms past a generally horizontal orientation parallel with the bed of the vehicle body and configured to allow rotation of the liftgate platform toward the upper and lower arms to a generally vertical position perpendicular with the vehicle body when in a lowered position; and

(e[d]) an extendable actuator pivotally secured at one end to the trunnion tube and at the other end to the lift frame tube;

wherein, when the liftgate platform is rotated to [the] a horizontal orientation, extension of the actuator raises the liftgate platform from a lowered position to a raised position while maintaining the horizontal orientation, and when the liftgate platform is rotated to [the] a vertical [position] orientation, extension of the actuator raises and inverts the liftgate platform into a stowed position.